

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 22, 2007

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel, J., Rothschild, J., Jackson, J. (Assigned) and P. Gonzalez, Deputy Clerk.

Each of the following:

B191323 People v. Bankers Insurance
B187735 Timmons v. County of Los Angeles

Argument advanced to August 21, 2007.

Each of the following:

B190495 Paul v. SC Edison
B198137 York et al. v. Costanzo et al.

Argument continued to September 18, 2007.

B191921 Keowen v. Regents of University of California

Argument continued to September 19, 2007.

DIVISION ONE (continued)

B190703 Ilan Z. Golan
 v.
 Choi Ha Liu
 Ricky W. Poon

Merits:

Argued by Ricky W. Poon for appellant and no appearance for respondent. Cause submitted.

B194015 People
 v.
 Steven Thomas Hess

Merits:

Argued by William Flenniken, Jr. for appellant and by Tannaz Kouhpainezhad, Deputy Attorney General for respondent. Cause submitted.

B190308 Harold Happe, et al.
 v.
 Guard-Systems, Inc.

Merits:

Argued by Bruce M. Brasavich for appellants and by Kenneth R. Pedroza for respondent. Cause submitted.

Rothschild, J., leaves the bench.

DIVISION ONE (continued)

B193254 Elizabeth Maclyman
v.
Firestone Dental Group

Merits:

Argued by Dawn M. Oster for appellant and by Frank P. Barbaro for respondent. Cause submitted.

B194696 John Perry Hodgman
v.
Workers Compensation Appeals Board
Community Care Center et al., Respondent

Merits:

Argued by Ernest A. Canning for petitioner and by Bill K. Gray for respondents. Cause submitted.

Rothschild, J., returns to the bench.

Mallano, Acting P.J., leaves the bench.

B190441 Thomas T. Lee
v.
Blue Shield of California

Merits:

Argued by Russell D. Kinnier for appellant and by Andrew S. Williams for respondent. Cause submitted.

Mallano, Acting P.J. returns to the bench.

Vogel, J., leaves the bench.

August 22, 2007 (Continued)

DIVISION ONE (continued)

B196765 City of Santa Monica
v.
Superior Court, Los Angeles County
(Abraham Supino et al., r.p.i.)

Merits:

Argued by Peter Abrahams for petitioner and by Michael J. Piuze for real parties in interest. Cause submitted.

Court adjourned.

[illegible]

The sentence is vacated, and the matter is remanded to the trial court for resentencing. In all other respects, the judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

DIVISION ONE (continued)

B194656 Gluck (Not for Publication)
v.
City of Santa Monica

The judgment is affirmed. The City is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

DIVISION ONE (continued)

B193220 People (Not for Publication)

v.
Limon

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Jackson, J. (Assigned)

B195913 People (Not for Publication)

v.
Christopher B.

The order is modified by striking the term of maximum confinement and, as modified, affirmed and remanded to the juvenile court with directions to correct its orders accordingly.

Vogel (Miriam A.), Acting P.J.

We concur: Rothschild, J.
 Jackson, J. (Assigned)

B193282 People (Not for Publication)

v.
Collins

The judgment is affirmed.

Vogel, J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

DIVISION ONE (continued)

B187735 Timmons (Not for Publication)

v.

County of Los Angeles et al.

The judgment in favor of defendants and the order denying defendants' motion for attorney fees are affirmed.

Mallano, Acting P.J.

We concur: Rothschild, J.
Jackson, J. (Assigned)

B193254 Elizabeth Maclyman (Not for Publication)

v.

Firestone Dental Group

The judgment non-withstanding the verdict is affirmed. Maclyman is awarded her costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Mallano, J.
Jackson, J. (Assigned)

August 22, 2007 (Continued)

DIVISION ONE (continued)

B200086 Dohner (Not for Publication)
v.
Superior Court, Los Angeles County (Vasquez et al., r.p.i.)

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its order of June 18, 2007, denying petitioner's peremptory challenge pursuant to Code of Civil Procedure section 170.6, and to issue a new and different order granting same, in Los Angeles Superior Court case No. BC313515, entitled Alan R. Dohner v. Ernesto M. Vazquez et al. All parties shall bear their own costs.

Mallano, Acting P.J. Rothschild, J. Jackson, J. (Assigned)

DIVISION TWO

B191512 People (Not for Publication)
v.
Salinas

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION TWO (continued)

B193667 People (Not for Publication)
v.
Jose V.

The Court:

The order under review is affirmed.

Boren, P.J. Doi Todd, J. Chavez, J.

DIVISION THREE

B193181 People (Not for Publication)
v.
Lance Michael Johnson

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (continued)

B188432 Cheryl Archdale et al (Certified for Publication)

v.

American International Speciality Lines Insurance Company

As to the plaintiffs Archdale, the judgment is affirmed as to the first and third causes of action in the complaint but is reversed as to the second cause of action. As to the plaintiff Godinez, the judgment is affirmed in its entirety. Upon remand, the trial court shall conduct such further proceedings as may be appropriate and not inconsistent with the views express herein. The parties shall bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B198538 Pauline Fairbanks et al (Certified for Publication)

v.

Superior Court, Los Angeles County
(Farmers New World Life Insurance Co. et al, r.p.i.)

The petition for writ of mandate is denied. Farmers shall recover its costs in these proceedings.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FIVE

B191529 People (Not for Publication)
v.
Anthony Zamora

The judgment is modified to impose the fines and penalties discussed in the body of this opinion. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

B190206 People (Not for Publication)
v.
Christian Villegas

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B194868 People (Not for Publication)
v.
David Galvez

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (continued)

B193804 People (Certified for Partial Publication)
v.
Mauricio Mejia

The convictions on count 1 for continuous sexual abuse and on count 2 for committing lewd act upon a child are reversed. The cause is remanded to the trial court for sentencing on the remaining counts, including discretionary sentencing under applicable version of section 667.6, as well as section 1170, subdivision (b), as to defendant's rape conviction on count 9. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

B192017 Midland Pacific Building Corporation
v.
King

Cause submitted.

DIVISION SEVEN

B189944 People (Not for Publication)
v.
Rodriguez et al.,

The restitution orders are vacated and the cause remanded to the trial court for the limited purpose of clarifying and correcting the victim restitution sums awarded jointly and severally against Rodriguez, Hernandez and Montes. In all other respects, the judgments are affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

B188985 Gardner v. Allstate Insurance Co.

B188986 Fine v. Safeco Insurance Co.

B188987 Luscombe-Schwab v. State Farm General Insurance Co.

Filed order modifying opinion. (No change in the judgment)

B188407 Marlin et al.
v.
AIMCO Venezia, LLC et al.,

Filed order denying petition for rehearing.

DIVISION EIGHT

B191721 Smith et al., (Not for Publication)
v.
Vista Behavior Health Plans, Inc., et al.,

The judgment is reversed. Appellant(s) to recover costs.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

B190880 People (Not for Publication)
v.
Brown

The judgment is reversed and the cause remanded for further proceedings.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

B191334 Bourgoyne, et al., (Not for Publication)
v.
Vo et al.,

The judgment is reversed, and the case remanded with instructions to deny the motion for summary judgment. Appellant Vanessa Bourgoyne is awarded her costs on appeal.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.